

DAVID LIEBLER and GREG CAREY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

LG ELECTRONICS U.S.A., INC., a
Delaware Corporation,

Defendant.

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1(b), Defendant LG Electronics U.S.A., Inc. (“LG US”), hereby moves to extend until December 15, 2014 its deadline to respond to Plaintiffs’ Motion for Leave to Amend in the above-captioned action. Undersigned counsel for LG US have conferred with Plaintiffs’ counsel, who have stated that Plaintiffs do not oppose this request.

In further support of its Motion, LG US states as follows:

1. Plaintiff David Liebler filed a Complaint in the above-caption action on June 2, 2014, which was served on LG US on July 1, 2014.

2. Plaintiffs David Liebler and Greg Carey filed an Amended Complaint on July 15, 2014 (ECF No. 4). LG US waived service of Plaintiffs' Amended Complaint.

3. On September 15, 2014, LG US filed a Motion to Dismiss Plaintiffs' Amended Complaint (ECF No. 17).

4. By stipulation, the parties agreed that Plaintiffs' deadline for filing a response to LG US's Motion to Dismiss would be October 31, 2014 and that LG US's deadline for filing its reply would be November 21, 2014. (*See* ECF No. 23.)

5. On October 31, 2014, in lieu of filing a response to LG US's Motion to Dismiss, Plaintiffs filed a Motion for Leave to File Second Amended Complaint¹ (ECF No. 29). The SAC makes wholesale changes to Plaintiffs' case: Plaintiffs propose to drop the current named Plaintiffs, David Liebler and Greg Cary, and replace them with a new one, Michael Criaris; they have abandoned their claims for fraudulent inducement, negligent misrepresentation, and breach of express warranties; and they have asserted new claims for fraud by omission. Pls.' Mot. for Leave, at ¶¶ 6, 9.

6. LG US has been working diligently to prepare an opposition to Plaintiffs' motion for leave to amend. Nonetheless, because Plaintiffs' proposed

¹ The proposed complaint is actually titled only "Amended Class Action Complaint and Jury Demand." Reference herein is to the "SAC."

amendment raises new issues and there is an intervening Thanksgiving Holiday, LG US requests an additional two weeks to respond the Plaintiffs' Motion.

Plaintiffs do not object to this request.

7. Plaintiffs noticed their Motion for December 15, 2014. Accordingly, LG US's current deadline to file a response is December 1, 2014, fourteen days before the noticed date, while Plaintiffs' current deadline to file a reply, if any, is December 8, seven days before the noticed date.

8. Local Rule 6.1 provides that "[t]he time within which to answer or reply to any pleadings as to which a responsive pleading is permitted may, before the expiration of the original deadline to answer or reply thereto, and with or without notice, be extended once for a period not to exceed 14 days on order granted by the Clerk." L.R. 6.1(b).

9. Pursuant to Local Rule 6.1, LG US hereby seeks an extension to respond to Plaintiffs' Motion for Leave to Amend, until December 15, 2014.

For the foregoing reasons, LG US, by and through its attorneys, respectfully requests that its Unopposed Motion for an Extension of Time to Respond to Plaintiffs' Motion for Leave to Amend be granted.

Dated: November 25, 2014


Respectfully submitted,

By: 

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SO ORDERED: _____
DATED: _____ 12/1/14